



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

December 14, 1989

Mr. Ron Lindsey
Commissioner
Texas Department of Human Services
P. O. Box 149030
Austin, Texas 78714-9030

LO-89-104

Dear Mr. Lindsey:

You ask about the certification of a person as a social worker by the Department of Human Services under Human Resources Code section 50.019, a "grandfather" provision.

You say that the individual in question applied in 1989 for certification without examination and that prior thereto the department had received no written correspondence from the individual. You indicate that the individual contends he is eligible for certification without examination under section 50.019, which provides:

(a) Until December 31, 1985, a person who, in the judgment of the department, meets the requirements of this chapter may be issued the appropriate certificate, as the department shall determine, without examination, on application to the department in the form and content that it may require and on payment of the fee for the original issue of a certificate as established by the department in accordance with this chapter.

(b) After December 31, 1985, a person who has some of the work experience requirements for examination in Section 50.015 or 50.016 of this chapter may, after completion of the required work experience, be issued the appropriate certificate without examination if:

(1) the person has at least one-half of the work experience prescribed by Section 50.015 or 50.016 of this chapter by December 31, 1985;

(2) the person notifies the department not later than December 31, 1985[,] of the

person's intention to apply for a certificate without examination; and

(3) the department determines that the work experience is satisfactory. (Emphasis added.)

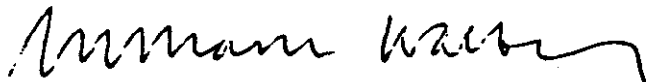
You ask specifically

whether Human Resources Code, Section 50.019 establishes December 31, 1985 as the deadline for issuance of certification without examination or only establishes a time frame in which the qualifications for certification without examination must have been met.

We assume that the provisions of subsection (b) of section 50.019 are not at issue here because we assume from the facts you present that the individual did not notify the department by December 31, 1985, pursuant to subsection (b)(2), of his intention to apply for a certificate without examination, and thus may not avail himself of the provisions of subsection (b).

As for subsection (a), we think it is clear from a reading of those provisions, particularly the portions we have underscored in the above quote, that they authorize issuance of a certificate only until December 31, 1985. Thus the individual in question may not avail himself of the provisions of subsection (a).

Very truly yours,



William Walker
Assistant Attorney General
Opinion Committee

APPROVED: Rick Gilpin, Chairman
Opinion Committee

Sarah Woelk, Chief
Letter Opinion Section

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Ref.: RQ-1873
ID# 8152